

# The Case of Walter Lüftl

## Contemporary History and the Justice System

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### 1. Introduction

In Germany, in the early spring of February 1992, many Austrian and German newspaper dailies<sup>1</sup> reported the resignation of the President of the Federal Austrian Chamber of Engineers, Walter Lüftl, who stepped down from his prestigious position after voicing doubts about the Holocaust. Things calmed down fairly quickly in Germany, while in Austria a fair-sized scandal ensued. The President of the Federal Chamber of Engineers, it was alleged, had expressed 'Nazi' sentiments, and cries for the public prosecutor were to be heard.

More sensible and aware persons, however, perked up their ears, since, after all, an engineer and many-thousand-time forensic expert witness from Austria's high society must surely have had his reasons if he questioned the technical feasibility of some aspects of the Holocaust.

Insiders had realized as early as winter 1991 that something was in the wind, since Lüftl had already published preliminary hints in the engineering paper *Konstruktiv* that not all was right with some historical eyewitness testimony. He did not at that time make reference to the Holocaust, leaving it up to the reader instead to make the connection based on the facts and questions raised.<sup>2</sup>

The basic legal principles of a state under the rule of law demand that subject experts sworn in by the state must accord greater significance to material evidence than to any eyewitness accounts. Lüftl, being such an expert and acting in accordance with this logical stipulation, was more than a little surprised to realize that the generally accepted qualitative hierarchy of evidence appears to be reversed where the Holocaust is concerned: historiography of the Holocaust is dominated by the eyewitness testimony which, he found, frequently does not stand up to expert criticism, but which is nevertheless accepted unquestioningly and is given precedence over the material findings of experts.

He was also surprised to find that the courts take "*judicial notice*" of the events of the Holocaust as described by eyewitnesses – *i.e.*, they consider these accounts to be self-evident and proven facts – not only in order to obviate the need for their formal proof and thus to spare themselves the bother of bringing evidence for these events, but that they also make use of this "*judicial notice*" in order to deny the opposing side the right to bring evidence to the contrary. Lüftl considers this practice to be a violation of human rights, since judicial notice should be taken only of such matters as are also undisputed by both prosecution *and* defense – such as water is wet, fire is hot, and ice is cold. However, as soon as there is any justified and reasonable dispute of any point, such a point must be open to discussion.

Does someone hiding behind rulings of judicial notice not in fact reveal that he does not care to know the truth if it differs from the traditional version (that which is 'desirable from the perspective of public education'), and that he wishes to keep this truth, by whatever means, from those who would prefer to see actual knowledge replace blind faith? Surely someone who is truly convinced

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<sup>1</sup> E.g., "Rücktritt nach Zweifel am Holocaust", *Süddeutsche Zeitung*, March 14, 1992.

<sup>2</sup> W. Lüftl, *Konstruktiv* 166 (1991) p. 31f.; cf. also E. Gauss, *Vorlesungen über Zeitgeschichte*, Grabert, Tübingen 1993, pp. 44ff. (online: [vho.org/D/vuez/v1.html](http://vho.org/D/vuez/v1.html))

that the *official* truth corresponds to *his* truth has nothing to fear from any material evidence proffered, which after all he ought to be easily able to refute. But the forensic reality with respect to the Holocaust is that any and all dissenting evidence proffered is dismissed from the start as being “*pseudo-scientific*”. Truth is the sole province of the status quo. ‘Everything has been proved a thousand times over. Arguments to the contrary have been refuted *ad nauseam*’, goes the hollow standard objection, which is simply not true. This arbitrarily assigned self-evidence is the muzzle that is put on truth.

## 2. Austria’s Special Laws

Austria is an oddity which can only be understood if one knows Austria’s history. Since the early Middle Ages, Austria had been part of the German-dominated Holy Roman Empire, to whose name the phrase “*of German Nation*” was later added. Since the end of the Middle Ages at the latest, Austria and its royal house of the Habsburgs was the dominant power in Germany. This did not change until the Silesian Wars, when the Prussian Hohenzollerns under Friedrich the Great, with much martial luck, wrested Silesia from the Habsburgs. Since then, Prussia had claimed equal standing with Austria in Germany, which ever since the late Middle Ages had consisted of hundreds of small kingdoms and principalities. It was not until 1806, when the Holy Roman Empire of the German Nation collapsed under Napoleon’s onslaught, that Austria gave up its leading role in Germany, a role which was assumed by Prussia 60 years later when Prussia again defeated Austria in the Austro-Prussian War.<sup>3</sup> As early as 1848, when the German people urged the princes on to a political unification of the German states, it was clear that due to their involvement in the Balkans the Habsburgs could not participate in the first German unification of 1871, which was being envisaged even then – although the inhabitants of Austria wanted this unification no less than all the other Germans, regardless whether they lived in Bohemia, Moravia, Prussia, Bavaria, Swabia, Saxony, or wherever. The unification of 1871 encompassed only the northern German states, which became the so-called German Reich. However, the relations with Austria-Hungary were very close, and neither side ever gave up hoping or striving for an eventual reunification of both empires into one “*whole Germany*”. This did not become possible until the Austro-Hungarian Empire collapsed after World War One, but at that time the western Allies forcibly prevented the unification of Austria with the rest of the German empire, even though the unification had already been formally agreed upon. Both sides continued to hope that sooner or later the Allies would comply with the Austrian Germans’ right to self-determination, and so, unofficial negotiations continued after 1918 to prepare for Austria’s unification with the rest of Germany, by coordinating laws and decrees. As we know, actual unification did not come about until 1938, when it finally became fact as a result to Adolf Hitler’s no-nonsense approach; and it is important to note that even though the circumstances were perhaps less than ideal, this unification did take place with the overwhelming agreement of the Austrian Germans. Even after World War Two the Austrian Germans did not want to give up their affiliation with “*whole Germany*”, yet again the victorious Allies denied them this option.

This time, however, the Allies went all the way. They established the so-called *Prohibition Order* as prerequisite for ending their military occupation of Austria. This Order provides for severe penalties for any activities serving National Socialist interests, including severe punishment for anyone attempting to undermine Austria’s independence, for example by preparing for or carrying out its reunification with Germany. At the same time, a totalitarian re-education program similar to that imposed on Germany was also instituted in Austria; one of its aims was to strip the Austrians of

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<sup>3</sup> Formally speaking, the dispute was about who would hold supremacy in Schleswig-Holstein.

their German identity and to define them as a separate people. By now this endeavor has largely succeeded.

The so-called *Prohibition Order* – a separate, independent criminal law existing parallel to the Austrian Criminal Code – is a relic from occupation times which still has the power to impose harsh penalties for certain poorly-defined ‘thought crimes’ labeled as being ‘Nazi’ in nature. Its hazy definition, as well as the randomness with which it criminalizes certain beliefs and convictions, puts this law outside the norms of human rights. Beyond that, it also violates fundamental principles of international law, such as the right of self-determination. What is more, the *Prohibition Order* even violates the Austrian Constitution, which is in compliance with internationally accepted human rights and international laws. But due to the special lie that Austria lives – namely, to consider itself “*Hitler’s first victim*”, but now a “*liberated nation*” – it is impossible for Austria to dispense with this law if it does not wish to jeopardize its own statehood. And since the international community has no wish to see the cooperation between Austria and Germany grow closer, these shortcomings are generously ignored.

### 3. Lüftl’s Violation of a Special Law

In the late 1980s the Holocaust Revisionists became more active in Austria as well. At that time the Austrian Criminal Code did not contain any explicit means for punishing such dissidents. Falling back on the so-called *Prohibition Order*, which provides for severe punishment for any revival of National Socialist activity, turned out to be problematic, however, for the government. Admittedly, judges did not hesitate to impute National Socialist convictions to the accused, and to assume that these intended their revisionist theories to make National Socialist ideology socially acceptable again, in order to restore it to influence and power at some future date. However, the *Prohibition Order* in force at the time provided for a minimum sentence of five and a maximum sentence of twenty years in prison for offenses of this kind, and most judges were hesitant to pass such harsh sentences for mere ‘thought crimes’, so that – in the opinion of the media and of the politicians – the bottom line in all too many cases was an acquittal. A rectification of the matter was demanded by several pressure groups.

The reader will no doubt wonder how any conflict with this law could be possible for a person ‘like you and me’, a person who has lived a decent, industrious life, has no prior convictions – not even a traffic violation –, who has devoted considerable efforts to working on a volunteer basis for the public good. It would take an entire page just to list all the functions and offices W. Lüftl has held and who was ultimately elected to serve in a politically unaffiliated and independent capacity as President of the representative body of his profession – the Federal Austrian Chamber of Engineers. How can it be possible for such a man to come into conflict with the law previously set out and be branded as *dangerous* criminal subject to twenty years imprisonment?

What follows in this article will detail the case of this academically accredited engineer, *Walter Lüftl*.

For Lüftl, it all began with two press releases in the Viennese daily paper *Die Presse* on March 23 and 29, 1991. Both articles reported about the debates by the SPÖ [Austrian Social Democratic Party] and the ÖVP [Austrian People’s Party] regarding the introduction of a new special definition of a crime, namely “*incitement*”, as §283a of the Austrian Criminal Code. This suggested paragraph provides for a term up to one year in prison for anyone “*who denies the fact that millions of human beings, Jews in particular, were killed in concentration camps of the National Socialist regime as part of a program of planned genocide.*”<sup>4</sup>

<sup>4</sup> This suggested paragraph was later abandoned in favor of a new paragraph 3h of the *Verbotsgesetz*.

This prompted Lüftl to write two letters, one to the newspaper *Die Presse* and one to Dr. Michael Graff, the Chairman of the Justice Committee of the Austrian National Council. Their contents in brief: all that the new law will do is promote denunciation. Following a visit to the concentration camp Dachau in 1990, Lüftl had found that the tourist attraction exhibited there as ‘gas chamber’ not only “*had not been used*”, as the tour guide briefly summed up the truth, but was in fact a fake that had been set up by a group of laypersons. Lüftl asked whether this fact, which could be easily proved, would in future brand anyone mentioning it as suggesting perhaps a ‘Dachau Lie’?

Dr. Graff did not respond; the Editor-in-Chief of the *Presse*, Dr. Thomas Chorherr, informed Lüftl on April 5, 1991, that unfortunately his letter could not be published, as it might be misunderstood by the public. On April 10, 1991, Lüftl replied to this with the following letter:

“Vienna, April 10, 1991

Your Ref.: Dr. Ch/P

Re.: Your letter of April 5, 1991

Dear Dr. Chorherr, Editor-in-Chief:

*Thank you for your response; it is rather unusual for an editor-in-chief to reply to the writer of a letter to the editor. It shows that my letter was received with a thoughtful and open mind on your part. I agree that my letter might be misunderstood, particularly when someone wants to misunderstand it; there is also the potential danger of approval from the wrong parties.*

*For this reason I am sending you a memo authored by me and documented with publicly available sources. This memo is not intended in defense of anyone, it is merely intended to raise doubts in the sense of: I cannot tell whether it was this way because I wasn't there, but if it wasn't necessarily this way then one ought to be allowed to talk about it.*

*Even a judge and jury may not convict a defendant if they still have doubts.*

*I ask you to please treat this memo as confidential. It is only for your personal information.*

*If it should raise doubts in your mind as well, then Die Presse must nevertheless take a stand AGAINST §283a; not, however, due to the cause per se (again, I agree with you regarding the potential for misunderstandings), but due rather to the hazard posed to our state under the rule of law. A handful of neo-Nazis are not worth jeopardizing the maxims of a state under the rule of law.*

*Very sincerely yours,*

[signed] *Walter Lüftl*”

The memo mentioned in this letter was a study, *Die neue Inquisition*, which Lüftl had by then written on the basis of information from his own library and of otherwise easily accessible sources.

Lüftl had decided to inform some Deputies to the National Assembly as well as some other ‘opinion leaders’ of the doubts he, as an impartial expert, was entertaining. Naively enough, he hoped that if such doubts were expressed by an expert, not by a ‘neo-Nazi’, they would prompt second thoughts in the persons addressed. Chorherr’s negative attitude had baffled him somewhat, since he recalled that Chorherr had voiced rather vehement objections in the *Presse* when the movie *Holocaust* had been broadcast on Austrian television. What had happened since then to turn this Saint Paul back into a Saul?

In his memo *Die neue Inquisition*, Lüftl, drawing on his subject knowledge of that time, severely criticized a number of core topics of the historiography of the Holocaust,<sup>5</sup> denounced the Austrian legislators’ attempt to prevent the search for truth *ex lege* (by legal means) as being state-proscribed terrorism of conviction, and asked whether the Minister of Justice and the Parliament intended that

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<sup>5</sup> A later, revised version titled “*Holocaust: Belief and Facts*” was published in *The Journal of Historical Review* 12(4) (Winter 1992-93) p. 391-420.

in the future historians and technical-scientific experts, or even perfectly average persons who merely expressed their doubts, would be dragged into court and convicted without any chance to defend themselves. As the case of Lüftl shows, both the Minister of Justice as well as the Parliament did indeed intend this!

#### 4. Lüftl's Work Behind the Scenes

Since Dr. Graff had not responded to Lüftl's letter of March 23, 1991, Lüftl wrote him again on May 9, 1991, after he had received a visit from the former Club Representative [party whip] of the ÖVP, to whom he had entrusted some documents with the request to pass them on to Dr. Graff. Lüftl drew Graff's attention to the results of his researches to date: irreconcilable inconsistencies and well-founded doubts. 'Contemporary history' and technology simply could not be made to agree. This time Dr. Graff responded, with a letter dated May 13, 1991:

*"Thank you for your letter regarding the planned §283a. The 'Leuchter Report' which you sent me is already known to me. I must say, however, that the personal recollections of so many witnesses who described the atrocities of Auschwitz impress me more than the expositions of the 'Leuchter Report'. I do, however, fully agree with you on the point that only science, not a trial judge, can determine what is truth and what is falsehood."*

On May 19, 1991, Lüftl responded to this letter and pointed out, with examples, that the eyewitness testimony and confessions of alleged perpetrators which he had examined were factually incorrect, and informed Dr. Graff of the contents of a letter he (Lüftl) had sent to Professor Jagschitz on May 10, 1991.

The District Criminal Court of Vienna had summoned Dr. Gerhard Jagschitz, Professor for contemporary history in Vienna, as expert witness in the trial of the Austrian Holocaust Revisionist Gerd Honsik (26b Vr 14.186/86); in a January 10, 1991, letter to the District Court, Jagschitz had mentioned **fundamental doubts about matters of judicial notice**.

Lüftl informed Professor Jagschitz of his own well-founded doubts and urged him to consult the expertise of engineers in order to resolve the questions at issue: had there really been mass executions by means of poison gas, and were there really gas chambers in Auschwitz? Lüftl further wrote to Professor Jagschitz on August 12, October 5, October 21, 1991, and February 20, 1992, pointing out many facts (forgeries and false testimony), providing references to relevant literature, and finally asking him the decisive question:

*"How do you as contemporary historian expect to judge whether a witness is in a position to know something, if you do not consider the material evidence offered by technical experts (Wittgenstein, On Certainty, Clause 441)? All you can do is to quote other sources, without being able to really check the facts! One example: how do you deal with the testimony of a 'witness of atrocities' who claims that '...flames several meters high shot out of the chimneys...'? I know the witness is lying, and I can prove it by means of my expert knowledge, and by calculations and experimentation if need be. But how can you, on the other hand, '...prove that the witness was in a position to know...'?"*

Lüftl therefore urged Professor Jagschitz to recommend to the Court that engineering experts should be consulted. Professor Jagschitz responded for the sake of politeness, but evaded the issue. Germar Rudolf also generously offered Professor Jagschitz his services. The following critique of the *Jagschitz Report* shows the consequences of the Professor's refusal to consider these recommendations.

#### 5. Lüftl's Commission as Expert on the Holocaust

By this time, Lüftl had written the outline for parts of *Holocaust (Belief and Facts)* and was working on corrections and supplements; since his work had meanwhile become known, the German

lawyer Hajo Herrmann of Düsseldorf commissioned him on May 24, 1991 to draw up a report “*about the alleged gassing of human beings during the war in the concentration camps of Auschwitz 1 and 2, based on on-site investigation*”. An active exchange of letters developed between Lüftl and the lawyer, who wrote the former on June 7, 1991, that the documents he had received showed him a “*chemical and medical aspect*” and that he had therefore written to Germar Rudolf for more information. This was the starting point for the report of academically accredited chemist Germar Rudolf; the reader will find a summary of this report further on in the present volume. For reasons of time it was not possible for Lüftl to go to Auschwitz for on-site investigation, and so his correspondence with attorney Herrmann ended with a letter of July 16, 1991, without Lüftl’s having completed a report. He merely handed in the results he had worked out by then as well as the relevant documents, and answered a number of questions. He amended and supplemented his work *Holocaust* on the basis of the information he had been given by the experts consulted, and concluded his work in August 1991.

Prior to this time Lüftl had sent copies of his work – always the currently up-to-date version – to a number of politicians, including the Minister of Justice, a Club representative, several Deputies to the National Assembly, a Head of Provincial Government, etc., and in February 1992 to a number of Senate Chairmen of the Supreme Court. One of these gentlemen, whose name is here withheld out of gratitude, sent him the following remarkable reply:

“Walter Lüftl, Accredited Engineer  
Head of Planning and Building Control, h.c.  
President of the Federal Chamber of Engineers

March 3, 1992

Dear Mr. President,

*I read your work with great interest. According to press reports the National Assembly has decided to pass the enclosed amendment into law.*

*As far as I am concerned, a law that criminalizes the scientific debate about issues of contemporary history is unconstitutional, and irreconcilable with the basic principles of a state under the rule of law.*

*The new criminal law §3h operates largely with vague legal concepts, but I personally consider it untenable to try to interpret this paragraph to mean that (public) scientific works endeavoring to question or even to refute the accounts given by academics or institutions of certain historical events represent a violation of the law.*

*The scientific endeavor to refute, by technical arguments, the opinion generally held of certain killing methods or the numbers of victims does not in my opinion fall within the province of this law at all, unless the National Socialist genocide or other National Socialist crimes are thereby denied or grossly trivialized. The other potential ways of violating the law do not enter into the picture at all in the case at hand.*

*Of course I cannot give an authoritative interpretation or a prediction of the law’s interpretation by the Supreme Court.*

*Sincerely, [...]”*

The study *Holocaust (Belief and Facts)* was published in English in volume 12, issue 4 (winter 1992/1993) of the *Journal of Historical Review*. It should be briefly mentioned that in it Lüftl stated the motives that had prompted his work, and further, that he believed that a crime begins with the very first person wrongly killed and that it was not the issue to try to argue for a reduction of the number of victims, but rather that the numerous contradictions and the factually incorrect, even deliberately false claims he had pointed out needed to be critically appraised and analyzed by techni-

cal experts. In any case, the doubts entertained by Revisionists were not unfounded, he said, and much more readily reconciled with technological realities than the claims made by orthodox Holocaust writers to date. If, contrary to the expectations of the Revisionists, scientific investigations of the Holocaust – notably by means of material evidence – were to establish the Holocaust as a fact, then the Revisionists, too, would have to accept this. To Lüftl, the questionable aspect of the Holocaust was particularly the alleged mass gassings; the other forms of killing are not mentioned at all by Lüftl due to his lack of familiarity with these topics.

## 6. The Scandal

In February 1992 the Austrian National Assembly had passed the amendment into law.<sup>6</sup> The revised paragraph 3g) and the new paragraph 3h) of the Austrian Special Criminal Code (*Verbotsgesetz*), which is analogous to the contents of the planned §283a Criminal Code, now read as follows:

“g) *Anyone engaging in activities reflecting National Socialist sentiments in any way other than set out in §§3a to 3f – and providing that there is no other law providing for a more severe sentence – shall be punished by a term of imprisonment ranging from one to ten years, and in cases of particular menace posed by the perpetrator or by his actions, by up to 20 years’ imprisonment.*

h) *§3g also applies to anyone who, whether through publication, broadcasting, any other media, or other manner suited to public dissemination, denies, grossly trivializes, applauds or seeks to justify the National Socialist genocide or other National Socialist crimes against humanity.”*

Thus, Lüftl considered his work on this problem to be finished. He had no wish to be a tilter at windmills.

Only a few days later an article appeared in issue 11/92 of the *Wochenpresse / Wirtschaftswoche* titled “*The Nazi Blabber of Walter Lüftl*” [“*Die Nazisprüche des Walter Lüftl*“], written by a journalist named Reichmann in the typically manipulative style so characteristic of today’s ‘investigative journalism’. Reichmann took factually undeniably true statements such as “*bodies are not fuel; their incineration requires a great input of energy, and a long time*”, out of their proper context and denounced them as “*Nazi blabber*”. He ignored entirely the motives, which had prompted Lüftl’s work.

The outrage was not long in coming. “*Architecture Chief denies Auschwitz*” was the style of one of the more harmless headlines. No researches were initiated, to the contrary. At best there were two or three telephone inquiries whose subsequent print editions usually claimed exactly the opposite of what Lüftl had explained.

The scandal was complete.

The Professional Engineering Associations as well were abuzz with outrage both real (based on ignorance) and induced. Especially the Association of Social Democratic Academics [*Bund Sozialdemokratischer Akademiker*, BSA]. Masonic institutions outdid themselves in screaming for Lüftl’s resignation as President of the Austrian Chamber of Engineers. Being President, Lüftl really could neither be dismissed nor voted out of office, but he did not see the point in trying to continue working with artificially outraged representatives of the civil engineering profession. He had assumed that engineers, of all people, would investigate first and judge later. The President of the Vienna Chamber of Engineers, a Socialist, tried to make stepping down a tempting option for Lüftl by pointing out that the BSA would not pursue legal proceedings against him. What the word of this Social-Democrat is worth was demonstrated by the fact that even with all the induced outrage and boat-rocking there were only two reports to the police: that of Dr. Neugebauer, the professional de-

<sup>6</sup> On February 26, 1992, *Bundesgesetzblatt* 127/92.

nouncer of the Documentation Center of the Austrian Resistance [*Dokumentationszentrum des österreichischen Widerstandes*], and that of the BSA.

Since the office of President of the Federal Chamber of Engineers was no sinecure, but required great sacrifice of time and money from anyone who was truly committed to this function, and to spare his family further grief, Lüftl resigned on March 12, 1992.

It was not long before he received a summons from the District Criminal Court. A preliminary inquiry had been instituted against him on the basis of the two aforementioned denunciations. But the examining magistrate did not care to ascertain the truth; his sole concern was to determine how excerpts of Lüftl's work had found their way into 'radical right-wing publications'. No notice was taken of Lüftl's comment that surely the important point was the correctness of his work and not its place of publication, which might have been the *Atlanta Church News* for all he cared. No, the issue was the 'National Socialist sentiments' that clearly come up whenever anyone records undesirable truths (*i.e.*, such as are directed against matters of judicial notice). There is obviously a sort of 'relative truth' that depends on the medium in which it appears. It is surprising that no one went so far as to speculate that Lüftl himself just might have instigated Herrn Reichmann of the *Wochenzeitung* to carefully select tendentious quotations from his work *Holocaust* and to publish these in his article "Nazi Blabber", namely as clandestine "*glorification of the National Socialist regime*"...

Neither the prosecuting attorney nor the examining magistrate could come up with even so much as one sentence, or part of a sentence, that would show Lüftl to have grossly trivialized, approved or justified National Socialist crimes, much less genocide.

On January 15, 1993, Lüftl was informed that on the request of the Public Prosecutor's Office the preliminary inquiry, which evidently had not yielded any incriminating findings, had been 'upgraded' to preliminary investigation, a more serious proceeding.

A motion by Lüftl's defense attorney to abandon the proceedings was rejected on June 28, 1993, on the remarkable grounds

"[...] that it is clear from the formulation of the work that it is fundamentally suited, when used in a pal-  
lative or exculpatory manner, to facilitate the violation of §3g VG [...]."

In plain English this means that to state the fact that hydrogen cyanide hydrogen cyanideboils at 78.3°F represents National Socialist revivalism if a 'radical right-winger' uses this fact to raise the question of how it could then have been possible to 'gas' people with Zyklon B in only a few minutes in unheated basements. What is more, even to suggest that someone should answer this question for himself by referring to a chemistry text (approved by the Ministry of Education) would be a clear case of "*National Socialist revivalism*". But since Lüftl was no longer accused of 'denial', his defense counsel drew the crystal-clear conclusion in his subsequent objection

"[...] that the findings [of his work] are obviously correct. In this respect we agree with the Court [...]."

What we have here is a law clearly in violation of human rights. Lüftl wrote to a good number of Deputies to the National Assembly and asked them whether at the time they had voted this bill into law they had desired the sort of thing that was happening to him. A single deputy wrote back:

"Your letter disturbs me. I wanted no such thing."

## 7. Further Research

Lüftl now saw himself forced to continue working on his study *Holocaust*, even if only for the sake of backing up his defense, as well as to fulfill the requirements of the *Stenographische Protokolle* of the Austrian National Assembly, which permit the "*strictly serious scientific research into specific topics*". Through the intensive study of source literature and through exchange of informa-



tion with qualified experts, his knowledge grew exponentially, since he could now devote to these pursuits the time he had previously spent on volunteer service to the Engineering Chamber. On those points where he had had only ‘educated guesses’ or ‘personal convictions’ to draw upon while writing *Holocaust*, he could now supplement his knowledge to the point of virtual certainty. Today Lüftl feels confident that he can prove each and every claim advanced in *Holocaust* with technical certitude, replicable with all technical evidence and verifiable results. A case in point is his critique of the *Jagschitz Report* that had been submitted in the *Honsik Trial*, discussed in the following (Section 8).

## 8. The Honsik Trial

It is natural that Lüftl took the greatest interest in the *Honsik Trial* which was held before the District Criminal Court of Vienna from late April to early May 1992. He was particularly interested in a report which, contrary to all judicial custom, had not been presented in writing prior to the main hearing. In other words, had only been introduced in the course of the main hearing. This was the *Jagschitz Report*, by the expert witness Dr. Gerhard Jagschitz who, as ‘contemporary historian’, fought a losing battle from the start where the issue of ‘mass extermination with poison gas’ was concerned.

Even a child could glean from news media coverage that this was no expert report, but rather an accounting to the Court of what the expert had read and what he personally believed. According to his own claims made under oath – so we must believe him, until and unless he is proven false – the expert witness had read 5,000 to 7,000 statements of witnesses and found some two-thirds to be false. However, the expert fails to state his criteria for this examination, which presumably took no more than ten minutes per witness statement. Further, *only* the Court should be in a position to evaluate testimony, and only such testimony as was made before a Court, since after all the accused and his defense counsel must be able to question each witness and possibly to refute this testimony.

But only one single eyewitness statement was introduced in detail into the trial proceedings. This was the documented testimony of “Dr.” Horst Fischer who, however, according to the *Dienstaltersliste der Waffen-SS*, was not a physician at all at the time in question, and hence cannot have performed the functions he testified he performed in Auschwitz.<sup>7</sup> His statement is rife with absurdities, which the expert Dr. Jagschitz failed to recognize as such – and in fact he could not possibly have recognized them, due to his lack of qualifications on the subject. Did he deem Dr. Fischer’s statement to be a “key statement”? Or did he simply fail to find a more incriminating one, one he deemed ‘more credible’? More of that later.

It is self-evident, as well as confirmed by expert observers of the trial, that it was only the massive intervention of the Presiding Judge that saved the expert witness from greater embarrassment during cross-examination by the defense attorney. The fact that in complicated issues it is necessary to provide clarifying commentary before asking one’s question in order to ensure that matters are clear to everyone concerned and that there is no more or less deliberate talk at cross-purposes makes it possible for the Presiding Judge to cut short any preliminary statements that might prove uncom-

<sup>7</sup> B. Meyer (ed.), *Dienstaltersliste der Waffen-SS*, Stand 1.7.1944, Biblio Verlag, Osnabrück 1987. Horst Fischer was “SS-Führer of the Medical Corps” with no medical degree, and SS-Hauptsturmführer. His written statement, that he participated in gassings in 1942 in the capacity of SS physician, is thus false; in a recent publication, the professional denouncers of the Documentation Center of the Austrian Resistance repeat Jagschitz’s allegation about the “Dr.”, but refuse to give any evidence: B. Bailer-Galanda, in B. Bailer-Galanda, W. Benz, W. Neugebauer (eds.), *Wahrheit und Auschwitzlüge*, Deuticke, Vienna 1995, p. 97; cf. Germar Rudolf, “Zur Kritik an ‘Wahrheit und Auschwitzlüge’”, in H. Verbeke (ed.), *Kardinalfragen zur Zeitgeschichte*, Vrij Historisch Onderzoek, Berchem 1996, p. 96 (online: [vho.org/D/Kardinal/Wahrheit.html](http://vho.org/D/Kardinal/Wahrheit.html); English: [vho.org/GB/Books/cq/critique.html](http://vho.org/GB/Books/cq/critique.html)).

fortable for the expert witness, merely by saying, “*Ask your question, please!*” But anyone who truly wishes to ascertain the truth will not hesitate to permit even long-winded introductions in such important matters, since these serve the purpose of determining what is the truth. Within the framework of current criminal procedure, however, it is clearly not good form in such cases to let the defense ‘have its say’ and listen patiently. We wonder why?

Just consider how the defense attorney would have driven the expert witness into a corner if the report had been made available *before* the main hearing and if subject experts could have critically examined the statements of the report, which were downright amateurish on some technical points in question. But this was not possible until afterwards, when the transcript of the hearing was available.

Prof. Jagschitz did repeatedly stress that he was no engineer – which, since it had already been established as fact by the Court, really needed no further avowal. Still, he constantly presumed to interpret such technical documents as he considered to be genuine. However, a genuine document need not be correct. A ‘contemporary historian’ is not in a position to judge. Further, an opportunity to examine the expense account of the expert witness revealed that not only had the Court ‘commissioned a reading’, but that Jagschitz as well, due to inadequate facility in the Polish language, had commissioned third parties to ‘read for him’ and had then presented their findings as his own conclusions. In Austria court experts must swear an oath *that what they present to the Court are their observations in a true and complete manner*. It is quite incomprehensible how Jagschitz could arrive at any ‘true and complete’ findings at all without relying on translations by Austrian court translators. These translations, however, should have been available to the accused and his defense counsel at an appropriate time, as well as the complete overall findings, so as to permit thorough preparations on the part of the defense. But that was not considered to be important. On the contrary, when the accused made the thoroughly sensible suggestion (which would no doubt have been acted on in any other trial) that one should at least call in experts from the Viennese crematorium to refute the false and incorrect document regarding the incineration capacity of the crematoria of Auschwitz, he was cut off. Was that fair?

Nevertheless, Jagschitz did do away with certain ‘stereotypes’ such as ‘soap from Jewish bodies’ and ‘four million gassed in Auschwitz’. Despite a great many shortcomings, his report is a step in the direction of the manifestation of ‘true’ truth. Nothing is more foolish than to dispute actual facts. But if these facts, which are terrible enough in themselves, are exaggerated, there is a danger that this exaggeration will result in *nothing* being believed any more in the future.

Lüftl examined Professor Jagschitz’s report only through ‘spot checks’. The following sets out his findings. These few examples hint at how the defense might have acted to the benefit of the accused, had it had refutations by engineers at its disposal.

## 9. Why Should Engineering Reports be Obtained Before Reports are Issued on Contemporary History?

Even though Professor Jagschitz was alerted to the fact that in light of the complexity of the issue relating to ‘mass exterminations with poison gas’ it would be useful and advisable to obtain prior engineering and scientific reports on this subject, he – in his capacity as expert on contemporary history summoned by the Court for the Honsik Trial – neglected to have the technical questions settled by engineering experts at the outset.

In drawing up his report, he relied on witness testimony given in other trials, on claims made by other persons, and on documents which he apparently deemed genuine and true. The following expositions, co-authored by Lüftl, are intended to show in a replicable manner that *neglecting to consult engineering experts* resulted in false conclusions that could have been avoided.

## 9.1. Mortuary as Gas Chamber

On April 30, 1992 (page 471 of the court transcript), expert Jagschitz explained that in a letter dated March 6, 1943, the Chief of the Central Construction Management / Waffen-SS, a man by the name of Bischoff, had ordered preheating facilities for mortuary I, with ventilation and aeration from crematoria II and III in the concentration camp of Auschwitz-Birkenau. The court expert now takes this order as proof that mortuary I was in fact a gas chamber,

- since the heating facility was needed “*because Zyklon B works properly only at temperatures between 75 and 79°F*” (what vast ignorance in engineering, physical and chemical respects is revealed by even these few words!), and
- no heating facility would have been needed for a mortuary, since such a room would need to be cool.

Disregarding the question of whether the document is even genuine<sup>8</sup> (the process of planning and construction described leaves room for considerable doubt), it must be stated first of all that the court expert merely stated precisely the same thing here as Jean-Claude Pressac.<sup>9</sup> He came to the same false conclusion. However, what Pressac points out but Jagschitz seems not to know is the fact that the preheating installation for crematorium II was dropped from these facilities even prior to its first use due to a faulty construction of the aeration and ventilation device. The same installation was cancelled for crematorium III from the start.<sup>10</sup> Did Jagschitz skip over that part in his reading? Or is he not that familiar with Pressac’s work after all? Consequently, how can he draw up a report about ‘mass extermination with poison gas at Auschwitz’ without being aware of Pressac’s voluminous findings?

Furthermore, there may very well have been a technical need to install heating facilities in a mortuary, for two reasons:

- For reasons of hygiene it was no doubt necessary to have water pipes connected to the mortuary, for cleaning purposes.<sup>11</sup> If one wants to avoid having to routinely drain all facilities manually in winter when there is danger of frost, then one must surely keep the room temperature above 32°F, and
- Neufert’s *Bauentwurfslehre*<sup>12</sup> clearly states that a mortuary should be kept at a temperature between 35.5 and 53.5°F, since freezing bodies burst open and may freeze to whatever they are lying on (as well as to each other, if they are stacked). On May 24, 1945, eyewitness Henryk Tauber stated with respect to crematorium I:<sup>13</sup>

“*All the bodies were frozen and we had to separate them from each other with axes.*”

Therefore, planning for “*mortuary heating facilities*” is by no means proof that said mortuary was used as homicidal ‘gas chamber’. At any rate, no engineering expert would have dreamed of incompletely quoting Jean-Claude Pressac, without stating his source, and without critical, replicable technical arguments. And further to present these incomplete quotation as the result of his own replicable thought process, as his own ‘expert report’. And what is more, the cancellation of the order in question renders this ‘proof’ for the existence of ‘gas chambers’ *per se* quite irrelevant.

<sup>8</sup> Letter of Bischoff, Chief of the Central Construction Management, Waffen-SS, dated March 6, 1943, published, e.g., in J.-C. Pressac, *Auschwitz: Technique and Operation of the Gas Chambers*, Beate Klarsfeld Foundation, New York 1989, p. 221.

<sup>9</sup> J.-C. Pressac, *ibid.*, p. 223, bottom right.

<sup>10</sup> J.-C. Pressac, *ibid.*, p. 230.

<sup>11</sup> The blueprints of the mortuaries in question do in fact show water taps; J.-C. Pressac, *ibid.*, pp. 311f. These are said to have been removed later: *ibid.*, p. 286.

<sup>12</sup> E. Neufert, *Bauentwurfslehre*, Ullstein Fachverlag, Frankfurt am Main 1962, p. 423.

<sup>13</sup> J.-C. Pressac, *op. cit.* (note 8), p. 482.

## 9.2. Capacity of the Crematoria

Due to the characteristic nature of court expert Jagschitz's presentation (without adequate technical verification, but proportionately all the more adamant!), the document pertaining to the capacity of the crematoria<sup>14</sup> will be briefly discussed.

The document<sup>15</sup> of June 23, 1943, states the five crematoria of Auschwitz Stammlager and Birkenau were able to process 4,756 corpses in 24 hours.

The figure regarding total capacity was purely hypothetical.

The first point here is that the SS Central Construction Management includes in its statement crematorium I of Auschwitz Stammlager, even though it was to be reconstructed into an air-raid shelter a few weeks later. Crematorium II frequently had to be taken out of service because of damage to its chimney and was fully serviceable only from May to July 1944(!). Crematorium III was never used to full capacity, and crematorium IV suffered from constant damage to its ovens and chimney (taken out of service in May 1943, repairs attempted in vain in April 1944) and was shut down for good after the inmates' revolt of October 7, 1944. In crematoria V as well, ovens and chimneys frequently burned out. The document in question is well-known and has already been declared to be absurd several times (Stäglich, Butz, Walendy and others).<sup>16</sup> The figures it cites are sheer fantasy, as the following will show. Aside from the claim that the capacity of the individual retorts in crematoria II through V allegedly was 96 persons per day,<sup>17</sup> the capacity of crematorium I would have been only half as great – even though the supplier (Topf & Söhne) clearly manufactured the ovens based on the same patent.

But if one compares this document with the memo of March 12, 1943,<sup>18</sup> regarding the consumption of coke fuel recorded there, then one finds something truly remarkable. In a non-stop 24-hour operation the 4,416 bodies (4,756 – 340 for crematorium I = crematorium II through V) could allegedly be cremated with 34,574 lbs. of coke fuel, *i.e.*, 7.8 lbs. per body. This is utterly incredible, since normally it takes 88 to 110 lbs. per body. Anyone who does not believe this is free to go to the crematorium of any larger city and ask the older staff members there, who remember the 'coal-fired age'.<sup>19</sup>

The maximum delivery of coke fuel in March 1943 amounted to 144.5 metric tons,<sup>20</sup> this alleged peak capacity was possible for only nine days in March 1943 – but at that time crematoria II through V were not yet ready for full operation! At other times, average consumption was about 71 metric tons per month; in other words, the crematoria could have been used at peak capacity for only 4.5 days per month. Even if the fabulous capacity of 4,416 persons per day were fact, no more than a maximum 20,000 bodies could have been cremated per 'average month' in 1943. If one takes into consideration a realistic fuel consumption rate, which may be conservatively estimated at 55 to 66 pounds (greater than the alleged by a factor of 7 to 8!), then the cremation capacity of the crematoria cannot have exceeded an average of 2,500 to 3,000 bodies per month. This means that the method by which the victims of the mass gassings were disposed of is yet to be determined. In any

<sup>14</sup> Court transcript, page 475.

<sup>15</sup> J.-C. Pressac, *op. cit.* (note 8), p. 247.

<sup>16</sup> For the latest critique see Carlo Mattogno, "'Schlüsseldokument' – eine alternative Interpretation", *VffG* 4(1) (2000), pp. 50-56 (online: [vho.org/VffG/2000/1/Mattogno50-56.html](http://vho.org/VffG/2000/1/Mattogno50-56.html); Engl. "The Auschwitz Central Construction Headquarters Letter Dated 28 June 1943: An Alternative Interpretation", [www.russgranata.com/lalett.html](http://www.russgranata.com/lalett.html)).

<sup>17</sup> 15 minutes per body! In 1940 the technology available required 1.5 to 2 hours per body!

<sup>18</sup> J.-C. Pressac, *ibid.*, p. 223, column 3.

<sup>19</sup> Anyone who wishes to study the problems of cremation and power consumption by various means and methods is referred to the standard work on this topic: F. Schumacher, *Die Feuerbestattung*, Gebhardt's Verlag, Leipzig 1939. Cf. also the chapter by C. Mattogno and F. Deana chapter, this volume.

<sup>20</sup> J.-C. Pressac, *op. cit.* (note 8), p. 224.

case, the crematoria were not up to such a task. Possibilities that have been suggested include burning the bodies in pits and on pyres, for instance with methanol (boiling point 148°F!), or with wood: quantities of 330 to 440 lbs per body would be required; and the question whether such an operation would even be possible at all becomes clear from the testimony of crematoria expert Lagacé, see Section 9.4.

For the double-/triple-/eightfold retorts respectively, the consumption of coke fuel (based on a calculation of the energy balance) per body, in continuous operation (*i.e.*, in the theoretical ideal case), for ‘normal bodies’, would amount to 50.1/33.7/24.9 lbs, and for extremely emaciated bodies, to 67.7/45.0/33.7 lbs, which means an approximate average of 44.1 lbs.<sup>21</sup> One must add to this approximately 20% for periods of firing-up and discontinuity. In other words, between April and October 1943 (consumption approx. 497 metric tons<sup>18</sup>),  $497,000/24 = 20,000$  to 21,000 bodies could be cremated. This means an average of barely 3,000 cremations per month, or roughly 100 per day. Therefore, if one considers the actual consumption of fuel, the crematoria were incapable of cremating thousands of bodies per day. Furthermore, after a maximum of 3,000 cremations the retort is ‘burned out’, that is, the wall and ceiling tile must be completely replaced, which, as can also be proved, was never done for any of the retorts.<sup>21</sup>

### 9.3. No Smoke from the Crematoria Chimneys

Regarding the absence of smoke from the crematoria chimneys in Auschwitz-Birkenau on the USAF aerial reconnaissance photos,<sup>22</sup> court expert Jagschitz suggested that the Americans

“probably used a filter [...] its purpose was to screen out thin clouds [...]”<sup>23</sup>

However, even if such a filter had successfully “screened out” smoke trails, expert Jagschitz should know that their shadows would still have been visible on the ground, and thus on the photos, as clearly and precisely as the shadows of the stacks are visible. Aside from this fact, the filters, for whose use Jagschitz cannot cite any source or evidence, clearly were *not* used, since the bombs dropped by the Allies caused fires on the ground, and thus smoke trails; and these smoke trails are clearly visible on other photos.<sup>24</sup>

### 9.4. The “*Fabulous*” Crematorium Expert

Questioned by defense attorney Dr. Herbert Schaller, court expert Jagschitz stated that he did not understand how some (later “*some fabulous*”) crematorium expert could say that there had only been hundreds (of cremations), ... [thousands] are just physically unrealistic... unimaginable...<sup>25</sup> By studying the sworn testimony of the “*fabulous*” crematorium expert (a Canadian citizen before a Canadian court on April 5 and 6, 1988, in the second ‘Zündel Trial’!), expert witness Jagschitz could easily have discovered technical reality.

The “*fabulous crematorium expert*” is Ivan Lagacé, Manager of the Bow Valley Crematorium in Calgary, Alberta, Canada. The Bow Valley Crematorium is the hottest and therefore the fastest crematory in operation in North America. By virtue of its natural gas burner a cremation can be completed in only 90 minutes.

<sup>21</sup> Cf. the chapter by C. Mattogno and F. Deana, this volume.

<sup>22</sup> CIA Report, *The Holocaust Revisited*, February 1979, ST-79-10001, p. 11.

<sup>23</sup> Court transcript, page 478.

<sup>24</sup> Cf. the photos in J. C. Ball, *Air Photo Evidence*, Ball Resource Services, Delta (BC, Canada) 1992, pp. 41, 48, 65, 74.

<sup>25</sup> Report of expert witness Professor Jagschitz for the District Criminal Court of Vienna in the trial of Gerd Honsik, Ref. 26b Vr 14.186/86, pp. 20 and 42 of the court transcript.

Lagacé had completed the two-and-a half-year Funeral Services program at Humber College in Ontario and in 1979 obtained his diploma and Ontario license. In 1983 he obtained his Alberta license. He has cremated more than 1,000 bodies. In clear testimony Lagacé meticulously explained the problems of cremation and the hazards involved. He showed, in replicable and verifiable manner, that the (coal-stoked!) crematoria of Birkenau were less efficient than crematoria using natural-gas burners (where power can be simply shut off). He was also familiar with the plans for the Birkenau crematoria and compared them to the similar facilities in Bow Valley.

Lagacé also discussed in detail the practice of open-air burning and the issue of how to deal with typhus-infected corpses. Regarding open-air burning, he testified that even with the use of gasoline, in 90% of all cases it would be only the skin that charred, perhaps the limbs would also be burnt, but the torso was very difficult to cremate.

That was the “*fabulous*” crematorium expert, whose testimony is doubtless of much greater value than a patently *false* document. A physically impossible scenario does not become true even if it is alleged in a ‘genuine’ document, or one considered to be ‘genuine’ by court expert Jagschitz.

Even Raul Hilberg knows that crematorium I was operational only until spring 1943.<sup>26</sup> So why the SS would still detail its capacity on June 23, 1943, in this case is “*unimaginable*” for this author.

## 9.5. The Powerful Ventilators

On May 4, 1992, court expert Jagschitz discussed the “*considerably large ventilators*” (“*I found that clearly in Moscow*”, page 19 of court transcript; “*these enormous ventilators that vent air out of the mortuaries*”, “*rather there were considerably large ventilators at least in crematoria II and III*”, page 34 of court transcript).

These ventilators had engines of 3.5 hp. Given a necessary vacuum capacity of 6 inches water-column and considering the length of the conduit cross-sections, conduit course (numerous right-angle diversions), interior surfaces of the conduit (undressed brick, wood) and the nature of the vent openings (coarsely punched metal), this suffices for a maximum of ten exchanges of air in the ‘gas chamber’ per hour.

Considering the ventilation time of 30 minutes, this means that the concentration of hydrogen cyanide may then have dropped to a minimum of approximately  $\frac{1}{100}$  of the initial concentration. But since the method of alleged introduction of the Zyklon B from above means that the evaporation of hydrogen cyanide cannot be simply ‘shut off’, as it were (that works only in the American gas chambers using hydrogen cyanide generators), the evaporation would continue and at a greater rate than before, since the less than atmospheric pressure created in ventilation (lowering of the boiling-point) promotes evaporation. This means that until almost right before the end of the evaporation process – which can take from a few to many hours, depending on the ambient temperature and humidity – the ventilators with their capacity of only 3.5 hp would have had to perform a Sisyphean task without succeeding in lowering the concentration below the lethal level.

The question how the ventilators really worked, given a chamber crowded to bursting with dead bodies and given the air intake and exhaust configuration, is a matter that still needs to be settled by ventilation experts, for the used air was exhausted from below even though heating and increased moisture content caused by the presence of the victims would have made it lighter than the incoming fresh air. Another problem is the fact that the air intake and exhaust openings are located too close to each other – 6.5 feet apart on the same wall, vs. a distance of 24.5 feet from the opposite wall of the room blocked by the dead bodies. This means that there would be a ‘short-circuit’ of air in the chamber.

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<sup>26</sup> R. Hilberg, *The Destruction of the European Jews*, Holmes & Meier, New York 1985, Table 75.

Given an initial hydrogen cyanide concentration of  $5 \text{ g/m}^3$ , complete ‘shut-off’ of gas production, five air exchanges per half hour and ideal ventilation conditions, the concentration of hydrogen cyanide remaining will be only  $50 \text{ mg/m}^3$  after half an hour and it will be safe to enter the gas chamber without a gas mask. But since Zyklon B continues to outgas for hours, entering the gas chamber after 30 minutes and without protective clothing as claimed would be fatal. Even gas masks equipped with a special filter J, guaranteeing safety for 30 minutes, would be inadequate under such conditions. Furthermore, the location of the air intake and exhaust vents on the roof ridge, approximately 15 feet apart,<sup>27</sup> begs the question as to what would happen whenever there was a breeze from the exhaust vent towards the intake opening. Again, it would be a matter of a ‘short-circuit of air’. No self-respecting German engineer worth his epaulettes would design a ‘gas chamber’ this poorly.

The ventilator for the dissecting room and the rooms for washing up and for laying out the corpses – all of them situated above-ground and with windows – had a capacity of 1 hp, while that for the much larger mortuary 1 (‘gas chamber’) had 3.5 hp. As Carlo Mattogno has shown, the performance of all air extractions systems of the different rooms in crematoria II and III in Birkenau (oven room, mortuary 1, mortuary 2, dissecting and washing room) was considered to be nearly the same: 11,5 to 16,6 air exchanges per hour.<sup>28</sup> And Mattogno provided evidence that this was the standard power required for morgues according to contemporary German expert literature,<sup>29</sup> whereas air extraction systems for hydrogen cyanide gas chambers (delousing chambers) required at least 72 air exchanges per hour.<sup>30</sup> Thus, mortuary 1 was certainly not suited to exchange the given volume of air, enriched with  $5 \text{ g/m}^3$  (according to Pressac,<sup>31</sup> it was even  $12 \text{ g/m}^3$ !) and within the space of time (30 minutes) claimed in Holocaust literature (eyewitness reports), nor was it suited to exchange the given volume of air a sufficient number of times to allow the ‘gas chamber’ to be entered after this ventilation process without powerful gas masks and protective clothing. The bottom line of all this is that the ventilation facilities of crematoria II and III were designed strictly for purposes of normal ventilation, and not for the removal of highly toxic quantities of gas in a short period of time (20 to 30 minutes).<sup>32</sup>

## 9.6. An SS-Colonel as Traveling Repairman

‘Court expert’ Jagschitz also omits to go directly to the source of things in non-technical matters, as he had initially stated he would (court transcript page 261).

As proof of the existence of gas chambers he cites the so-called fact (transcripts page 390) that specialists for ‘gas chambers’ were evidently called in from Berlin when repairs were needed:

*“When gas facilities [sic] were broken, there was a man who was called in from Berlin to repair them. This was a certain Herr Eirenschmalz [...]”*

A quick glance into a standard work of ‘Holocaust literature’ reveals that the “*certain Herr Eirenschmalz*” was Chief of the Office C-4 (Finances!) in Group C (Construction) of the WVHA

<sup>27</sup> J.-C. Pressac, *op. cit.* (note 8), p. 291.

<sup>28</sup> C. Mattogno, “*Auschwitz: Das Ende einer Legende*”, in H. Verbeke (ed.), *Auschwitz: Nackte Fakten*, Vrij Historisch Onderzoek, Berchem 1995, pp. 133ff. (online: [vho.org/D/anf/Mattogno.html](http://vho.org/D/anf/Mattogno.html)); Engl: *Auschwitz: The End of a Legend*, Granata Publishing, Palos Verdes, CA, 1994 (online: [vho.org/GB/Books/anf/Mattogno.html](http://vho.org/GB/Books/anf/Mattogno.html)).

<sup>29</sup> *Ibid.*, p. 140; cf. W. Heepke, *Die Leichenverbrennungsanstalten (die Krematorien)*, Verlag von Carl Marhold, Halle a.S. 1905, p. 104.

<sup>30</sup> C. Mattogno, *op. cit.* (note 28), p. 141f.; cf. G. Peters, E. Wüstinger, “*Sach-Entlausung in Blausäure-Kammern*”, *Zeitschrift für hygienische Zoologie und Schädlingsbekämpfung* 10/11 (1940), p. 195; F. Puntigam, H. Breymesser, E. Bernfus, *Blausäuregaskammern zur Fleckfieberabwehr*, Sonderveröffentlichung des Reichsarbeitsblattes, Berlin 1943, p. 50.

<sup>31</sup> J.-C. Pressac, *ibid.*, pp. 16 and 18.

<sup>32</sup> This is also the opinion of J.-C. Pressac, *ibid.*, pp. 224 and 289.

(*Wirtschafts-und Verwaltungshauptamt*, Main Economic and Administrative Office of the SS).<sup>33</sup> He held the rank of *Standartenführer*, approximately equivalent to that of Colonel in the US Army.

Does anyone with half a brain really believe that an SS *Standartenführer*, who normally commands a regiment in the Army and who was evidently the Chief Paymaster of the Construction Office, would come running from Berlin clutching his toolbox whenever a hinge stuck on some input chute for Zyklon B?! Particularly when there were enough workshops and trained personnel available in Auschwitz itself?

## 9.7. The Unusual Consequences of Hydrogen cyanide Poisoning

‘Court expert’ Jagschitz also claims (court transcript page 441f.) that in an interview in Warsaw with an “inmate who had a relationship of personal trust with SS-man Breitwieser” he had learned that Breitwieser had been present at “this particular gassing” (of Soviet prisoners-of-war on September 4, 1941, in Block 11 of the Auschwitz main camp, which now, according to Pressac, apparently did not take place until December<sup>34</sup>). Breitwieser had removed his gas mask too soon and had suffered facial hemiplegia, paralysis of one half of his face, as a result.

The expert is here quoting a false statement, presumably given by the inmate, one Michal Kula. Asking a toxicologist or forensic doctor about this would reveal that paralysis of one half of the face cannot be the result of hydrogen cyanide poisoning, as such poisoning has no permanent effects if it is not immediately fatal.<sup>35</sup>

## 9.8. Further Details, Conclusions and Questions

### 9.8.1. Uncritical Acceptance of Eyewitness Testimonies

Incidentally, Jagschitz concludes (transcript pages 499-501) that there is room for correction in individual subsections of this complex subject and that considerable academic efforts are still required to look into the numerous questions of detail.

But this is exactly what was neglected in the trial!

Not one single question of detail was examined by engineers, chemists, doctors, etc. summoned for the purpose. On the contrary: experts whose interest in contemporary history prompts them to raise critical questions for discussion (*i.e.*, who do exactly what court expert Jagschitz urges) are being embroiled in criminal trials under §3h of the revised Austrian Criminal Code or §§130f., 185 of the Criminal Code in Germany dealing with jeopardizing the public peace, incitement to hatred, and slander.<sup>36</sup>

On January 10, 1991, in a preliminary report prior to submission of his expert report, Jagschitz had commented that

*“fundamental doubts about some basic issues have been reinforced” and “that there is only a relatively small body of scientific literature, as opposed to a considerably greater number of personal accounts or non-scientific summaries.”*

His presentations during the main hearing and the transcript thereof were thus studied with eager interest. Nothing important however, emerged from this presentation that had not already been well-known. Jagschitz bases his summary value judgment, that

<sup>33</sup> R. Hilberg, *op. cit.* (note 26), Table 72, p. 559.

<sup>34</sup> J.-C. Pressac, *Les Crématoires d'Auschwitz, la Machinerie du meurtre de masse*, CNRS, Paris 1993.

<sup>35</sup> W. Forth, D. Henschler, W. Rummel, *Allgemeine und spezielle Pharmakologie und Toxikologie*, 5<sup>th</sup> ed., Wissenschaftsverlag, Mannheim 1987, pp. 751f.

<sup>36</sup> Eg., the trial against G. Rudolf, academically accredited chemist, for his report; cf. the chapter by G. Rudolf, this volume.



**the mass murder with poison gas is a proven fact,**

primarily on documentary evidence and on his observation that in examining the accounts of witnesses and perpetrators he had found approximately two-third of these accounts to be false and some third to be correct.

An interesting forensic aspect is the ‘expert’s’ assessment of the evidential value of the testimony of persons who were not even questioned by this Court!

But court expert Jagschitz withholds the testimonies themselves, as well as his criteria for evaluating them. The only one he quotes, as example typical for all of them it seems, is the statement of a ‘perpetrator’, the “*SS-physician*”, Dr. Fischer. Since it is incriminating, it must be true?

An objective and unbiased observer ponders with some surprise is how it was possible, as late as the 1960s, to persuade a ‘perpetrator’ to personally record such physically impossible nonsense as:

1. the victims die within two minutes of the introduction of Zyklon B;
2. an elevator for the corpses leads directly to the doors of the crematoria ovens;
3. his ‘eyewitness’ could never have seen a crematorium from the inside, much less supervised an execution with hydrogen cyanide gas derived from Zyklon B.

Let us critically examine only two details from the statement of “*Dr.*” Fischer. These pertain to gassings in the ‘Sauna’ (trial transcript p. 443, supplement), a renovated farmhouse which, interestingly enough, is not shown or recognizable in so much as one single aerial photograph ever taken!

- “[...] *only 4-lb. cans were used* [...]”

As Pressac states, only cans with a net weight of 1, 2 and 3 lbs. of hydrogen cyanide were available.<sup>37</sup>

- “[...] *the gas chamber was opened after about 20 minutes [...] the doors were left open for approximately 10-15 minutes so that the poison gas could escape the gas chamber. There were no ventilation facilities in the ‘sauna’. Now the inmates (from the Corpse Commando) [...] pulled the dead bodies out [...] with 6-foot poles that had a bent iron hook at the end* [...]”

Since Zyklon B continues to release hydrogen cyanide for hours, and ventilation by means of natural draft would have taken days rather than hours, these inmates must have been immune to the highly toxic hydrogen cyanide! How does that agree with the Special Order issued by Camp Commandant Hoess,<sup>38</sup> August 12, 1942, which stated that after gassed (more correctly: fumigated!) facilities are opened, members of the SS not wearing gas masks must keep at a distance of 45 feet for at least 5 hours and must also be mindful of wind direction, since there had already been some accidents?

Insofar as the documents quoted by Jagschitz are even genuine and correct – which is frequently very doubtful for technical reasons – they certainly also permit other technical interpretations than those which the expert witness ascribes to them. One document, for example, discusses a gas-proof door in crematoria II having dimensions of 39.4" × 75.6". According to the building plans however the mortuaries 1 of crematoria II and III had double doors measuring 70.9" × 78.7". But how does one gas-proof a double-door opening of 70.9" × 78.7" with a single door measuring 39.4" × 75.6"?

Two other examples from ‘Holocaust literature’ and the Jagschitz Report are examined subsequently.

<sup>37</sup> J.-C. Pressac, *op. cit.* (note 8), pp. 16f.

<sup>38</sup> J.-C. Pressac, *ibid.*, p. 201; also p. 445 of court transcript.

### 9.8.2. “10 Gas Detectors”

In spring 1943, the Central Construction Management of Auschwitz ordered “10 gas detectors” from the oven manufacturing firm of Topf and Sons.<sup>39</sup> If these gas detectors had had anything to do with hydrogen cyanide they would have been ordered by the appropriate health authorities from the company DEGESCH, not by the Central Construction Management from the oven manufacturer Topf and Sons.

As even contemporaneous subject literature shows, “gas detectors” were in fact devices used for analyzing combustion gas for the presence of CO or CO<sub>2</sub>, which are produced by the ‘gasification’ of coke fuel in the generator of the crematorium oven.<sup>40</sup> The number of gas detectors ordered (ten) also indicates strongly that this is what they were intended for, since the two crematoria II and III, constructed as mirror images of each other, had a total of ten waste-gas flues, where the gauges were probably placed.

This matter took a strange turn when Pressac recently found a document in the KGB archives in Moscow in which the company Topf and Sons confirms the aforementioned order of the gas detectors.<sup>41</sup> This document makes reference to the telegram with the words “Re.: Crematorium, gas detectors”, but in the main text it is mentioned that it had not yet been possible to locate a supplier of “indicators of hydrogen cyanide residue”. So this document would have us believe that gas detectors were in fact devices for detecting hydrogen cyanide. But several factors ought to make an engineer suspicious:

1. According to the subject literature of the time, devices for the detection of hydrogen cyanide residue were called *Blausäurerestnachweisgeräte*.<sup>42</sup> The term used in the letter, however, is *Anzeigegerät für Blausäure-Reste*. (No German would write *Blausäure-Reste* as two words, hyphenated!) But since, according to their letter, Topf and Sons by that time had received responses from three suppliers regarding such devices, the correct name of said devices ought to have penetrated even to Topf and Sons. Besides: “*kommen wir Ihnen sofort näher*” [we shall come close to you immediately] is nonsense. It should read ‘*kommen wir sofort auf Sie zu*’ [we shall get in contact with you immediately].
2. The regulations of that time stipulated that after every delousing procedure utilizing hydrogen cyanide, a hydrogen cyanide residue detector had to be used to test the fumigated facilities to determine whether ventilation had been successful. Only then could the deloused rooms be entered without a protective gas mask.

Since delousing had been carried on in Birkenau on a large scale ever since 1941, it is utterly implausible that no one should have seen to the provision and the suppliers of these devices until spring 1943.

3. The health authorities of the Auschwitz camp had been responsible for the ordering, distribution and use of Zyklon B and all the materials necessary for its use (delousing facilities, gas masks, hydrogen cyanide residue detectors etc., and allegedly for the mass gassings as well) ever since the Birkenau camp had been set up in 1941. In other words, they had two years experience in this field. So why should the Central Construction Management, which was not responsible for this field and not competent in matters related to it, suddenly step in in spring 1943 and order the purchase of hydrogen cyanide residue detectors?

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<sup>39</sup> J.-C. Pressac, *ibid.*, p. 371; also p. 471 of court transcript.

<sup>40</sup> Akademischer Verein Hütte (ed.), *Hütte*, 27<sup>th</sup> ed., Ernst und Sohn, Berlin 1942, p. 1087.

<sup>41</sup> J.-C. Pressac, *op. cit.* (note 34), plate 28. Compared to his first book this is the only new document introduced here. The rest of the book in essence only repeats and condenses the expositions of the book from note 8.

<sup>42</sup> Cf. the guidelines for the use of hydrogen cyanide (Zyklon) for pest control (disinfestation), issued by the Gesundheitsanstalt des Protektorats Böhmen und Mähren, Prague, n.d.; IMT Document NI-9912(1).

4. Why was the order given to the oven manufacturing firm Topf and Sons, who were so out of their depth in this field that they clearly did not even know who the suppliers of these devices might be, when the health authorities of camp Auschwitz had already been continually supplied with these devices for two years, and thus knew the suppliers (which actually were the selfsame which supplied Zyklon B)? Very probably the health authorities even had some spare devices in stock.
5. From the text of the order placed by the Central Construction Management ("*Ship 10 gas detectors immediately, as discussed [...] quote price later.*") it also becomes clear that after a discussion with the firm of Topf and Sons the Central Construction Management was in a position to expect that the devices would be shipped without delay and that the price would be up to Topf. Both, however, could only have been the case for products that were part of Topf's standard stock, and thus not possibly for hydrogen cyanide residue detectors. The latter is also clearly apparent from Topf's reply, which indicates the necessity for laborious research to locate the manufacturers of these detectors.
6. It has never been customary in German business practice to confirm receipt of telegrams with a proper letter, in which the entire telegram itself is quoted (!), as was allegedly done in this case. And what is more: after the collapse of the 6th Army in Stalingrad in the winter of 1942-43, the Reich suffered from a severe labor shortage, so that especially in administrative respects every step that could possibly be dispensed with was eliminated to save work. Thus one can be quite certain that telegrams were not confirmed in those days.

J. A. TOPF & SÖHNE  
 MASCHINENFABRIK: FEUERUNTERSTÜTZUNG DER WAFFEN-SS  
 An die  
 Zentral-Bauleitung der Waffen-SS und Polizei,  
 Auschwitz / Ost-Oberschlesien.  
 Eingang: 15. MRZ. 1943  
 Stellvertreter: 242288/43  
 Erfurt, den 2.3.43  
 Buchhaltg.: Herrschaft Adolf Haken  
 hes.  
 Ihr Zeichen: UNSERE ABTEILUNG: DIV  
 Prof. Dr. J. A. Topf & Söhne  
 Wir bestätigen den Eingang Ihres Telegrammes, lautend:  
 "Absendet sofort 10 Gasprüfer wie besprochen  
 Kostenangebot später nachreichen".  
 Hierzu teilen wir Ihnen mit, dass wir bereits vor 2 Wochen bei 5 verschiedenen Firmen die von Ihnen gewünschten Anzeigeräte für Blausäure-Reste angefragt haben. Von 3 Firmen haben wir Absagen bekommen und von 2 weiteren steht eine Antwort noch aus.  
 Wenn wir in dieser Angelegenheit Mitteilung erhalten, kommen wir Ihnen sofort näher, damit Sie sich mit einer Firma, die diese Geräte baut, in Verbindung setzen können.  
 Heil Hitler!  
 J. A. TOPF & SÖHNE  
 ppa. I.V. J. A. Topf  
 Erledigt durch Schreiben  
 vom 19.4.43 Bfghb. Nr. 194  
 Reichsbank-Giro-Konto 75/851. — Postcheck-Konto Erfurt 1792  
 Telegramme: Topfwerke — Fernsprecher: Sammelnummer 25125

7. It is somewhat puzzling that this document, which was celebrated in the press as the irrefutable proof of the existence of gas chambers,<sup>43</sup> was not discovered until 1993, and then in the oh-so-trustworthy archives of the KGB!

Therefore, this alleged new document is probably a forgery. This needs to be conclusively determined by an expert analysis of the supposed original document. But even if it would be genuine, it does not prove the existence of *homicidal* gas chambers.<sup>44</sup>

### 9.8.3. “210 anchors for fixing the gas-tight doors”

Who would need 210(!) door anchors<sup>45</sup> for the lethal gas chamber of crematorium IV if the “*gas-tight doors*” had indeed been doors to the ‘gas chamber’? The technical work *Blausäuregaskammern zur Fleckfieberabwehr* explains how hydrocyanic-acid-gas-proof doors must be anchored:<sup>46</sup> the 8 wall anchors per door (supplier, Otte & Co., Vienna) are already welded onto the doorframe so that the door cannot warp. 210 anchors for fixing gas-tight doors are no proof for gassings of human beings. However, they might be a proof for the fact that gas tight doors, windows and shutters were installed everywhere in Auschwitz as protection devices against poison gas attacks by allied bombers, as author Samuel Crowell pointed out.<sup>44</sup>

These examples clearly show how many details would require attention before a comprehensive value judgment based on a solid foundation of factual questions answered to scientific satisfaction can be rendered in this historical issue that sincerely concerns many who seek the truth.

## 9.9. Summary

In his report, court expert Jagschitz corrected the “*symbolic number of 4 million Jewish victims*” insofar as he stated that “*several hundreds of thousands, up to a maximum of 1.5 million were killed by gassing*” in Auschwitz.

In light of the aforementioned technical facts, one can agree with Jagschitz’s lower limit regarding the magnitude of number of victim – with perhaps, some reservations with respect to the actual cremation capacities. However, this does not comprehensibly settle the number of killed, on the one hand, and the number of deceased on the other. All the more so since Kazimierz Smoleń, an author certainly above suspicion of revisionist leanings, stated:<sup>47</sup>

“[...] *Several hundred died in the camp daily. Mortality was particularly high during the typhus epidemics, and when diarrhea occurred on a large scale [...]*”

So if “*several hundred*” actually died on a daily basis,<sup>48</sup> then in light of the limited capacity of the crematoria there was no leeway left for the removal of the victims of alleged ‘mass gassings’.

<sup>43</sup> Cf. *FAZ*, Oct. 14, 1993; *Die Welt*, Sept. 27, 1993; *Welt am Sonntag*, Oct. 3, 1993; *Der Spiegel*, 49/1993; *L'Express*, Sept. 23, 1993; *Libération*, Sept. 24, 1993; *Le Monde*, Sept. 26, 1993; *Le Nouvel Observateur*, Sept. 30, 1993.

<sup>44</sup> A different approach to this document was given by S. Crowell, “*Technik und Arbeitsweise deutscher Gasschutzbunker im Zweiten Weltkrieg*”, *Vierteljahrshefte für freie Geschichtsforschung (VffG)* 1(4) (1997), pp. 226-244 (online: [vho.org/VffG/1997/4/Crowell4.html](http://vho.org/VffG/1997/4/Crowell4.html); Engl.: [codoh.com](http://codoh.com)); for a recent summary of the discussion regarding this document see Carlo Mattogno, “*Die ‘Gasprüfer’ von Auschwitz*”, *VffG* 2(1) (1998), pp. 13-22 (online: [vho.org/VffG/1998/1/Mattogno1.html](http://vho.org/VffG/1998/1/Mattogno1.html)).

<sup>45</sup> J.-C. Pressac, *op. cit.* (note 8), p. 451.

<sup>46</sup> F. Puntigam, H. Breymesser, E. Bernfus, *Blausäuregaskammern zur Fleckfieberabwehr*, Sonderveröffentlichung des Reichsarbeitsblattes, Berlin 1943, p. 44.

<sup>47</sup> Prior to the collapse of the Communist regime in the Eastern Bloc, Kazimierz Smoleń had been Director of the Auschwitz Museum. Quoted from Smoleń, *Auschwitz 1940-1945*, Ullstein, Frankfurt/Main 1961, p. 63.

<sup>48</sup> “*Died*”, not “*were killed*”; of course no one, not even Revisionists, will seriously contest that killings also occurred on the side!

Smoleń made this statement while still believing in the ‘4 million’. He still allowed for ‘mass gas-sings’. But if one combines the findings of Jagschitz (several hundreds of thousands, up to a maximum total of 1.5 million) with Smoleń’s (several hundred dead per day) and with the capacity of the crematoria, then the final picture is quite a different one.

But the statistics Jagschitz arrived at place this court expert in sharp conflict with Galinski, the late Chairman of the Central Council of Jews in Germany, who as late as mid-1990 vehemently clung to the traditional figure of 4 million mostly Jewish victims of Auschwitz:

*“I consider it a historically proven fact that four million persons died in the worst extermination factory in the world.”*<sup>49</sup>

This statement is reminiscent of Germany’s Supreme Court’s ruling of “judicial notice” based on information given in the *Brockhaus* encyclopedia. However, *Brockhaus* also states that cremation takes from 90 to 100 minutes!

One wonders whether this part of Jagschitz’s report will yet come back to haunt him? On the other hand, perhaps Simon Wiesenthal’s recent statement will exculpate Lüftl. Wiesenthal was quoted as having said that 1.5 million is now supposed to be the final, definitive number of victims. Only those who claim a lesser figure run the risk of incurring Wiesenthal’s wrath.<sup>50</sup>

Furthermore, from press releases it has been evident since early March, 1993, that according to the Polish agency PAP the updated number of victims is between 1.2 to 1.5 million:

*“[...] the 4-million-figure was part of Soviet propaganda [...]”*

So what do the courts consider to be “judicially noticed” since March, 1993? Will those persons who have been censured in the past for claiming figures between 1.5 and 6 million now be pardoned or rehabilitated, or even paid compensations?

In his new book Pressac writes that only 630,000 persons perished in the gas chambers of Auschwitz and that no more than 800,000 persons died in Auschwitz altogether.<sup>51</sup> In the German edition of this contribution this author already questioned which figure will be granted judicial notice in 1994.<sup>52</sup> Now we know according to the German edition of Pressac’s latest book, there are some 470,000 to 550,000 gassed Jews and some 710,000 victims altogether.<sup>53</sup> In 2002, Fritjof Meyer, an editor of Germany’s largest weekly magazine *Der Spiegel*, published an article in which he stated, the death toll of Auschwitz did not exceed 510,000, of which not more than 356,000 were allegedly gassed.<sup>54</sup> What number will be “judicially noticed” in 2003? What number in the year 2004? Which in 2010?

Drawing exclusively upon the Jagschitz Report, on ‘non-revisionist’ sources such as Pressac, Hilberg, documents from the archives of the Auschwitz Museum, and on other sources such as standard subject-reference works which are certainly above suspicion, Walter Lüftl has shown that the material presented by court expert Jagschitz can be interpreted in other, equally plausible ways, to arrive at the opposite conclusion, namely that

**the mass murder with poison gas cannot be proven.**

Even though only seven points (and some details) from the court expert’s report were discussed here, an examination of the whole of the court transcript reveals a plenitude of points, a scrutiny of whose technical components (and, as the example of “*Eirenschmalz*” shows, even merely the organ-

<sup>49</sup> *Rheinische Post*, July 18, 1990.

<sup>50</sup> *Kleine Zeitung*, Klagenfurt, Aug. 1, 1992.

<sup>51</sup> *Op. cit.* (note 34), p. 147.

<sup>52</sup> E. Gauss (ed.), *Grundlagen zur Zeitgeschichte*, Grabert, Tübingen 1994, p. 58.

<sup>53</sup> J.-C. Pressac, *Die Krematorien von Auschwitz. Die Technik des Massenmordes*, Piper-Verlag, Munich 1994, p. 202.

<sup>54</sup> F. Meyer, “Die Zahl der Opfer von Auschwitz”, *Osteuropa*, 52(5) (2002), pp. 631-641.

izational components) allows precisely the opposite conclusion than that drawn by court expert Jagschitz.

## 10. Do All Expert Witnesses Have Equal Rights?

For an outside observer, the following question arises: if, after careful examination of sources and consultation with subject experts, and working in a replicable and verifiable manner, court expert Jagschitz had arrived at the opposite of his actual conclusion – *would he too have been in violation of §3h of the Criminal Code?*

In any western nation under the rule of law one must naturally answer this in the negative. And therefore such a violation also cannot be alleged against a private researcher such as Walter Lüftl, who has looked into this issue and concluded as the result of an examination of the facts and of his own replicable and verifiable reasoning that the ‘truth desirable from the perspective of public education’ is as yet open to doubt since it stands in contradiction to natural laws and what is technically possible. Such an allegation would be all the more inappropriate since the examination of individual aspects of the overall subject has been expressly declared to be outside the province of the law cited (cf. Stenographic Transcripts of the Austrian National Assembly).

It is purposely left up to the reader to determine for himself that the above expositions as a whole are at least equal to the scientific and academic standard of Jagschitz’s presentation. In any case every value judgment has been thoroughly founded on fact, and adequately supplemented with documentation permitting the replication and verification of findings.

## 11. Author’s Statement

At no point does the above article contain any statement or claim, whether of direct or indirect nature, which was intended or meant to be taken as

- denial,
- approval, or
- gross trivialization of the judicially noticed National Socialist mass murder.

This author sincerely condemns National Socialist crimes with all appropriate force and affirms that a crime begins with the very first victim wrongfully killed.

However, he claims for himself the *fundamental principle of academic freedom* as expressed in the February 5, 1992, report of the Justice Committee of the Austrian National Assembly.<sup>55</sup>

The above study, being a serious academic and scientific endeavor, concerns itself with *individual aspects of a historical complex of events* and should be regarded first and foremost as a critical post-verdict statement pertaining to the *individual aspects of a report* drawn up by an ‘expert’ summoned by the court and *discussing the historical complex of events in question*.

In particular, the author wishes to stress a statement of the Chairman of the Justice Committee of the Austrian National Assembly:

*“I do, however, fully agree with you on the point that only science, not a trial judge, can determine what is truth and what is falsehood.”* (Dr. Michael Graff)

What is more, where and by whom this work is published is quite irrelevant,  
**for the truth is indivisible.**

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<sup>55</sup> Cf. No. 387, Supplements to the Transcripts of Proceedings of the National Assembly, XVIII of the transcript, Point 4, p. 5.

## 12. The End of the Matter

On June 15, 1994, Lüftl received a notice from the District Criminal Court of Vienna, dated June 8, 1994,<sup>56</sup> and stating that the initial investigation that had been instituted against him had been dropped since there were no further grounds for prosecution.

The Holocaust lobby who had learned even before Lüftl that the case had been abandoned (whatever happened to ‘official secrecy’?) considered this a severe blow.<sup>57</sup> In an open letter to Justice Minister Michalek, professional denouncer Wolfgang Neugebauer from the Documentation Center of Austrian Resistance lamented the outcome of these events and charged the Minister of Justice, who had only acted correctly, with “full responsibility”:

*“A severe setback in the battle against denial of the Holocaust, and carte blanche for all future Holocaust-deniers.”*

Meanwhile, the Holocaust lobby had realized that in denouncing Lüftl they had shot themselves in the foot. Prior to the revision of the Criminal Code, what Lüftl had written in his study *Holocaust* had not been an indictable offense; the only point at issue had been whether or not he had written it in the spirit of “National Socialist revivalism”, for which the legal persecution and preliminary investigation to which he had been subjected for more than two years had failed to turn up even the slightest shadow of evidence. But the loud and vociferous manner in which the press reported on the “scandal”, grossly distorting the truth in the process, ensuring that the matter drew attention around the globe, prompted a great many people to independent thought. And in the eyes (and for the purposes) of the Holocaust lobby, the results of such reflection were certainly counterproductive.<sup>58</sup>

Thus, Lüftl, vindicated by the District Criminal Court of Vienna, could state with impunity:

1. In light of natural laws and technical possibilities vs. impossibilities, the mass gassings with Zyklon B, as they are described by ‘contemporaneous witnesses’ and ‘perpetrators who confessed’, cannot have taken place.
2. The Kurt Gerstein Statement is (verbatim) “a whopping lie”.<sup>59</sup>
3. By virtue of the composition of the exhaust gases, mass gassings with Diesel exhaust fumes cannot have taken place. Had there really been execution chambers or ‘gas vans’ operating with exhaust gas, the Germans would have used the more efficient internal combustion engines, or the even more efficient wood-gas generators.
4. Crematoria chimneys do not spew flames during the cremation process. All ‘eyewitness’ testimonies asserting such a phenomenon are false.
5. The number of cremated victims is considerably exaggerated since the capacity of the crematoria would have been insufficient to handle mass gassings. The quantity of fuel actually used delimits the true number of bodies cremated.
6. No homicidal mass gassings took place in the concentration camp Mauthausen. The method of gassing described by witnesses is nonsense and would have been fatal for the executioners.<sup>60</sup>
7. Homicidal mass gassing using bottled carbon monoxide is technically impossible nonsense.

<sup>56</sup> Ref. 26b Vr 4274/92.

<sup>57</sup> Cf. reports in the Austrian daily press of June 15, 1994, as well as *Profil*, June 20, 1994.

<sup>58</sup> In the meanwhile, Lüftl succeeded in being reelected for the Austrian Chamber of Engineers, cf. “Lüftl wieder in Kammer. ‘Schwieriges Problem’”, *Standard*, September 19, 1994.

<sup>59</sup> For a brief discussion of Gerstein’s statement see F.P. Berg’s article in this handbook.

<sup>60</sup> See the interesting admissions that no traces of killing devices of the concentration camp Mauthausen could ever be found and that the gas chamber shown to visitors is a post war fabrication with no relation to reality: Florian Freund, Bertrand Perz, Karl Stuhlpfarrer, “Historische Überreste von Tötungseinrichtungen im KZ Mauthausen”, *Zeitgeschichte* (Vienna), 22 (1995), pp. 297-317; review: I. Schirmer-Vowinkel, *VffG*, 2(1) (1998), pp. 68f. (online: [vho.org/VffG/1998/1/Buecher1.html#ISV2](http://vho.org/VffG/1998/1/Buecher1.html#ISV2)).

8. Auerbach's attempt at discrediting the Leuchter Report<sup>61</sup> can easily be refuted by experiment.
9. Zyklon B and Diesel exhaust fumes have lost all credibility as alleged 'murder weapons' used in the "*planned extermination of millions of human beings, especially Jews, as part of a program of planned genocide.*"
10. Natural laws hold true for 'Nazis' no less than for anti-Fascists.
11. Material evidence will refute the testimony of perjured 'eyewitnesses' and the confessions of 'perpetrators'.
12. Should the objective and scientific investigation of the Holocaust nevertheless prove the "*planned genocide by means of gas chambers*", then the Revisionists too will have to accept this.
13. *Who* is it that wants to stifle any and all discussion of this topic by means of criminal laws, and for what reasons?
14. Are we entering an era of 1984 totalitarianism after all, albeit through the back door?

However, considering the new revised paragraph 3h) of Austria's *Prohibition Order*, it seems to be necessary to advise others not to make similar claims today, since the above statements were made before the new law came into effect. A national-liberal Austrian publisher who published these statements in 1995 as part of a documentation of Lüftl's case,<sup>62</sup> was charged with "*Holocaust denial*" according to the new §3h)<sup>63</sup> and consequently sentenced to 10 month imprisonment on probation and a fine of ÖS 240,000 (\$24,000).<sup>64</sup>

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<sup>61</sup> H. Auerbach, November 1989, published in U. Walendy, *Historische Tatsachen (HT)* No. 42, Verlag für Volkstum und Zeitgeschichtsforschung, Vlotho 1990, pp. 32 and 34.

<sup>62</sup> Hans Moser, "*Naturgesetze gelten für Nazis und Antifaschisten*", *Aula*, 7-8 (1994), p. 15.

<sup>63</sup> Cf. "*Ein rauhes Lüftl*", *Bau*, 5 (1995), p. 8.

<sup>64</sup> Staatsanwaltschaft Graz vs. Herwig Nachtmann, Ref. 14 St 4566/94-8, April 4, 1995.